

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Tuesday, 12 January 2016.

PRESENT

Mr. N. J. Rushton CC (in the Chair)

Mr. R. Blunt CC	Mr. B. L. Pain CC
Mr. Dave Houseman MBE, CC	Mrs. P. Posnett CC
Mr. J. T. Orson JP CC	Mr. J. B. Rhodes CC
Mr. P. C. Osborne CC	Mr. E. F. White CC
Mr. I. D. Ould CC	

In attendance

Mr. G. A. Hart CC, Mr. P. G. Lewis CC and Mrs. R. Page CC

In attendance

Dr. R. K. A. Feltham CC, Mr. S. J. Galton CC, Mr. R. Sharp CC, Mr. R. Shepherd CC

374. Minutes of the previous meeting.

The minutes of the meeting held on 11 December 2015 were taken as read, confirmed and signed.

375. Urgent items.

There were no urgent items for consideration.

376. Declarations of interest.

The Chairman invited members who wished to do so to declare any interests in respect of items on the agenda for the meeting. No declarations were made.

377. Medium Term Financial Strategy 2016/17 to 2019/20.

The Cabinet considered a report of the Director of Corporate Resources regarding the proposed Medium Term Financial Strategy for 2016/17 to 2019/20 (MTFS). A copy of the report, marked '4' and a supplementary report which was circulated separately are filed with these minutes.

Mr. Rushton CC thanked the Director and his staff and Mr. Rhodes for their work on the MTFS, noting that there were some difficult decisions to be made and the Council was continuing to transform the way it operated to enable key services to continue. Mr. Rushton reported that he would be in London the following day with local MPs to make further submissions to the Government about Leicestershire's low funding.

Mr. Rhodes CC said that the budget was the most challenging to date, and whilst the need to reduce the public sector deficit was recognised, the local government funding system was deeply flawed.

The following comments were made by other Cabinet members -

- The fact that the Government had sought to mitigate the fall in grant for adult social care with an additional 2% precept meant that a greater proportion of the cost was being placed on Council Taxpayers.
- Children's social care was also suffering from reduced funding but could not be supported via the additional precept, which was solely for adult social care.
- It was perverse that the Council had to consider cuts to early help and prevention where spending should rather be focused to reduce future costs.
- The Council would continue to protect and support the most vulnerable; over a third of its revenue budget would be spent on adult social care.
- The proposed capital programme contained some good news in the form of a number of priority projects for highways and schools, and the Council would do its best to continue to provide good services within the financial constraints. It was hoped that meaningful spending on key objectives, particularly preventative services, could continue.
- The draft settlement could not be justified; the funding methodology was irrational.

RESOLVED:

- (a) That the proposed Medium Term Financial Strategy including the 2016/17 revenue budget and capital programme be approved for consultation and referred for consideration to the Overview and Scrutiny Committees and the Scrutiny Commission;
- (b) That the Director of Corporate Resources, following consultation with the Cabinet Lead Member for Resources, be authorised to confirm the continuation of the Leicester and Leicestershire Business Rates Pool with the Leicestershire District Councils, Leicester City Council and the Leicester, Leicestershire and Rutland Combined Fire Authority, subject to agreement by all member authorities;
- (c) That the proposed County Council response to the provisional Local Government Finance Settlement, attached as Appendix A to the report, be approved;
- (d) That a further report be submitted to the Cabinet on 5 February 2016.

REASONS FOR DECISION:

To enable the County Council to meet its statutory requirements with respect to setting a budget and Council Tax precept for 2016/17 and to provide a basis for the planning of services over the next four years.

Modelling of the Business Rates Pool is being undertaken and a decision on whether to proceed will need to be taken before 14 January 2016.

To ensure that the Council's views, in particular regarding the damaging effect of the settlement on the delivery of vital public services, are made known to the Government.

378. Proposal to Charge Self-Funders a Fee for Arranging Care Services - Outcome of the Consultation.

The Cabinet considered a report of the Director of Adults and Communities regarding the outcome of the consultation on the proposal to charge self-funders for arranging care services and seeking approval to implement a fee. A copy of the report, marked '5', is filed with these minutes.

RESOLVED:

- (a) That the outcome of the consultation on the proposed arrangement fee for self-funders be noted;
- (b) That from 4 April 2016 an annual fee of £236 be charged for arranging care services to meet eligible needs for those people who have financial assets over the upper capital limit set by the Government;
- (c) That it be noted that the fee will be reviewed annually to ensure that it covers the actual costs of arranging care;
- (d) That it be noted that work will take place with service users affected by the changes to ensure that they are aware of their options and supported to make informed choices.

REASONS FOR DECISION:

Implementing an arrangement fee for self-funders is expected to generate in excess of £100,000 per annum additional income for the Council.

Although the expected additional income is relatively small in the context of the Adult Social Care annual service user income budget of £38 million per annum, it would enable the Adults and Communities Department to generate some income and to use its resources more effectively to assist vulnerable service users.

It is acknowledged that the majority of responses to the consultation did not agree with the proposal to implement an arrangement fee for self-funders. However, Section 14 of the Care Act 2014 allows the Council to charge self-funders for arranging non-residential care services, and the fee level is set to cover the Council's costs only and does not include any profit element.

379. Draft Communities and Wellbeing Strategy 2016-2020.

The Cabinet considered a report of the Director of Adults and Communities seeking approval to consult on the draft Communities and Wellbeing Strategy 2016-20. A copy of the report, marked '6', is filed with these minutes.

Members noted comments from Dr. Terri Eynon CC and Mr. S. D. Sheahan CC, copies of which are filed with these minutes.

The Director reminded members that the document at Appendix C was a screening questionnaire and that, should the Strategy progress, a full Equality and Human Rights Impact Assessment would be undertaken.

Mr. Blunt CC said that given the financial constraints faced by the Council it would not be able to deliver services in the same way and would be asking communities to get more involved; in effect providing less, supporting more.

RESOLVED:

- (a) That the draft Communities and Wellbeing Strategy 2016-20 (attached as Appendix A to the report) be approved for consultation;
- (b) That a further report be submitted to the Cabinet in June 2016 regarding the outcome of the consultation and presenting the final Communities and Wellbeing Strategy for approval.

REASONS FOR DECISION:

Financial challenges outlined in the County Council's Medium Term Financial Strategy require a clear strategic direction on which to base decisions for any future delivery model for the Communities and Wellbeing Service within the budget envelope available.

The Director of Adults and Communities requires the Cabinet's permission to undertake a formal consultation exercise on the principles and model for the delivery of services. The draft Communities and Wellbeing Strategy has been developed to fulfil statutory duties, meet efficiency targets, and provide a basis for the planning, commissioning and delivery of services over the four-year period.

The views of customers and stakeholders are necessary to inform the further development of the Strategy and its subsequent implementation.

380. Energy Supply Service for Leicester and Leicestershire.

The Cabinet considered a report of the Director of Corporate Resources concerning the creation of a "white label" energy supply service in partnership with Leicester City Council to provide cheaper energy for residents. A copy of the report, marked '7', is filed with these minutes.

Mr. Rhodes CC said he was pleased to support the proposal which would benefit residents and provide revenue for the Councils to reinvest.

RESOLVED:

That the Director of Corporate Resources, following consultation with the Lead Member for Resources, be authorised to:

- (a) Set up a partnership agreement with Leicester City Council in respect of the energy supply service;
- (b) Accept delegation from Leicester City Council to carry out procurement on behalf of both councils in order to find a licensed supplier and;
- (c) Award the contract to the preferred supplier following the conclusion of the procurement exercise.

REASONS FOR DECISION:

Fuel poverty is an issue that affects a large number of County and City residents and setting up an energy supply service will help alleviate this by enabling residents to obtain cheaper gas and electricity.

381. Leicestershire's Policy on Admissions to Mainstream Schools: Determination of Admission Arrangements.

The Cabinet considered a report of the Director of Children and Family Services regarding approval of Leicestershire's School Admission Policy for entry from September 2017 and the oversubscription criteria and three co-ordinated schemes for the normal round of transfers. A copy of the report, marked '8', is filed with these minutes.

RESOLVED:

- (a) That Leicestershire's School Admission Policy for entry September 2017 remains unchanged;
- (b) That Leicestershire's oversubscription criteria and the three co-ordinated schemes for the normal round of transfers remain unchanged.

REASONS FOR DECISION:

The County Council, as an admitting authority, is required to ratify school admissions arrangements, even if there are no changes, by 28 February 2016.

No changes to Leicestershire's School Admission Policy are proposed due to the Government's decision to begin a consultation in 2016 on changes to the National School Admissions Codes, the outcome of which will come into effect from 2017 and will be likely to affect Leicestershire's local admissions policy.

382. Exception to Contract Procedure Rules for Deprivation of Liberty Safeguards (Best Interest Assessments) - Urgent Action Taken by the Chief Executive.

The Cabinet considered a report of the Director of Adults and Communities regarding urgent action taken by the Chief Executive, following consultation with the Leader of the Council, to approve an exception to the Contract Procedure Rules to enable a contract to be awarded for the delivery of Best Interest Assessments in relation to the Deprivation of Liberty Safeguards. A copy of the report, marked '9', is filed with these minutes.

RESOLVED:

That the urgent action taken by the Chief Executive, following consultation with the Leader, to grant an exception to the Contract Procedure Rules be noted.

REASONS FOR DECISION:

Rule 6 (b) (ii) of the County Council's Contract Procedure Rules states that an exception to the Rules may be made within the relevant law and with the authority of the Executive [the Cabinet] where it is satisfied that an exception is justified on its merits. In an urgent case the Chief Executive after consultation with the Council Leader or Deputy Leader (save where this is not practicable) may direct that an exception be made subject to this being reported to the next meeting of the Executive.

383. Regulation of Investigatory Powers Act 2000 (RIPA) - Revised Policy Statement.

The Cabinet considered a report of the Chief Executive concerning the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA) for the period from 1 October 2014 to 30 September 2015, and recommending the adoption of a revised Policy Statement to reflect legislative changes that had taken place. A copy of the report, marked '10', is filed with these minutes.

RESOLVED:

- (a) That the Council's use of the Regulation of Investigatory Powers Act 2000 for the period from 1 October 2014 to 30 September 2015 be noted;
- (b) That the County Council's Policy Statement on the use of RIPA powers (appended to the report) be agreed;
- (c) That the Cabinet continues to receive annual reports from the Corporate Governance Committee on the use of RIPA powers and whether the Policy remains fit for purpose.

REASONS FOR DECISION:

The Policy Statement required updating to reflect legislative changes regarding the supply of nicotine inhaling products that have taken place since its previous consideration by the Cabinet in December 2013.

384. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny.

2.00 - 2.45 pm
12 January 2016

CHAIRMAN